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Page 1 of 4

Date: April 4, 2008

To:  
Examiner Fred O. Ferris III

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Art Unit:  
2128

From:  
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Subject:  
10/808,991

Docket Number:  
P17568

Filing Date:  
March 24, 2004

Inventor:  
Vijay Tewari et al.

*I hereby certify that the below listed correspondence is being facsimile transmitted to the USPTO to: Mail Stop: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 4, 2008.*

*Derek S. Watson*

*Date: April 4, 2008*

Message:

Included in this Transmission:

- Facsimile Cover Sheet (1 page)
- Communication Regarding Ex Parte Quayle Action (3 pages)

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**APR 04 2008**

Serial No. 10/808,991

Communication Regarding Ex Parte Quayle Action Dated February 4, 2008

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Vijay Tewari et al.

Art Unit: 2128

Serial No.: 10/808,991

Examiner: Ferris III, Fred O

Filed: March 24, 2004

For: USE OF A VIRTUAL MACHINE TO EMULATE A HARDWARE DEVICE

**COMMUNICATION REGARDING EX PARTE QUAYLE ACTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants respectfully acknowledge receipt of the Ex Parte Quayle Action in the instant application that was mailed on February 4, 2008. In this Action, the Examiner indicates that the complex nature of the subject matter examined and the quantity of references submitted in Information Disclosure Statements (IDSs) place an exceptionally unreasonable burden on the Patent Office. As a result, the Examiner has requested assistance from Applicants with the references submitted in the IDSs. Applicants agree with the Examiner's position, apologize for what happened and are preparing to fully comply with the Examiner's request.

Applicants apologize for the quantity of references submitted in the IDSs. Applicants' intent was to comply with our duty of disclosure and to ensure that a full disclosure of the art in potentially related cases was disclosed. However, we believe that this was done by someone who inappropriately determined what were related cases. We apologize for the burden placed on the examiner and take full responsibility for this.

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Applicants also apologize for apparent mistakes made in the IDSs. Applicants made a cursory review of the IDSs and noted that in the IDS dated February 22, 2005, Applicants cite US Patent No. 6,173,471 as citation number 165 and list the publication date as January 9, 2001 to inventor Merrill. Applicants acknowledge that this information is not correct. In fact, US Patent No. 6,173,471 has a publication date of January 16, 2001 to inventor Stephen Yau. As noted by the Examiner, US Patent No. 6,173,471 is directed to the structure of a brush, which is believed to be irrelevant to the subject matter of the claims in the instant application. Applicants note, however, that citation number 167 of the same IDS cites US Patent No. 6,173,417 B1 and lists the Publication date as January 9, 2001 to inventor Merrill. Applicants' speculate that U.S. Patent No 6,173,471 was mistakenly cited when the last two digits in the Merrill patent were inverted. US Patent No. 6,173,417 is directed to initializing and restarting operating systems through the use of a virtual image and is assigned to Intel Corporation. Applicants regret any inconvenience that the apparent mistakes may have caused and will attempt to identify any other mistakes made in the IDSs.

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**Communication Regarding Ex Parte Quayle Action Dated February 4, 2008**

As noted above, Applicants appreciate the Examiner's position and are preparing to fully comply with the Examiner's request. Due to the complex nature of the subject matter examined and the quantity of references submitted in the IDSs, it is taking a significant amount of time to review the references. Our intent is to respond to the Examiner's request in the Ex Parte Quayle Action as soon as possible, along with the payment of any applicable extension of time fees.

Respectfully submitted,  
Intel Corporation

Dated: April 4, 2008

/David M. Simon/ Reg. No. 32,756/  
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